

ORDINANCE NO. 05-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING SECTION 10-173 OF CHAPTER 10 OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, TO MAKE REDEVELOPMENT ALLOWANCES AVAILABLE TO PARCELS WHICH PROVIDE FOR STORMWATER MITIGATION OFF-SITE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners desires to adopt a corrective ordinance to provide for application of Section 10-172, Leon County Code of Laws, "Redevelopment Allowances" to parcels which will use off-site mitigation to treat stormwater and which will fully assume the costs of off-site stormwater mitigation.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, THAT:

Section 1. Section 10-173 of Chapter 10 of the Code of Laws of Leon County, Florida, entitled "Redevelopment allowances," is hereby amended to read as follows:

When redevelopment is occurring, it is the intent of this section to allow for the following modifications to this article:

- (1) *Allowances.* The following allowances apply to parcels within the urban services area with impervious area greater than or equal to 25 percent of the parcel existing on or before January 1, 2004, if there is no reduction to special development zone requirements and the requirements of section 10-346:

- 1 (a) Only 1/2 of the landscaping area requirements of section's
2 10-257, 10-260(1)a., 260(2) shall be applied except the
3 minimum landscape island area shall remain 400 sf.
4 (b) Section 10-266(e)(4)a. (40 percent canopy coverage of
5 parking areas) shall not apply.
6 (c) Trees preserved shall receive double the credit listed in
7 section 10-264.
8 (d) A parcel may utilize section 10-259 if no impacts are
9 proposed to preservation areas.
10 (e) If no increase in impervious area is proposed, section 10-
11 208(15)a. is presumed to be met.
12 (f) If full water quality treatment is provided as required by
13 this article, then the parcel may utilize 50 percent of the
14 existing impervious in the rate control and downstream
15 analysis calculations required in section 10-208.

16 (3) Exceptions. Redevelopment Allowances as enumerated in Section
17 10-173(1)(a)-(f) may also be made available to parcels that meet
18 the following criteria: (1) parcel is within the urban services area;
19 (2) parcel was originally developed before July 15, 1990; (3) the
20 redevelopment of such parcel will not result in an increase in
21 impervious area; (4) stormwater may be treated off-site if such
22 treatment will result in pollutant and nutrient reduction equivalent
23 to that which would otherwise be accomplished by on-site

stormwater treatment and attenuation; and (5) the cost of such treatment will be fully assumed by the applicant requesting redevelopment allowances. Should a parcel meet the above conditions, the applicant shall be responsible for all off-site treatment expenses; however, the applicant may pay a fee to the County in lieu of applicant's effectuating construction of an off-site treatment facility. The amount of such fee shall be determined at the sole discretion of the County.

~~(2)~~(3) *Variances.* Where a redevelopment site can not meet the requirements of specific stormwater management, landscape, and tree protection requirements of divisions 2, 3, and 4, a variance may be sought by submitting an application to Leon County Growth and Environmental Management Department in accordance with the requirements in section 10-378.

Section 2. Conflicts.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, except to the extent of any conflicts with the Tallahassee-Leon County 2010 Comprehensive Plan as amended, which provisions shall prevail over any parts of this ordinance which are inconsistent, either in whole or in part, with the said Comprehensive Plan.

Section 3. Severability.

If any word, phrase, clause, section or portion of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a

